

NEVADA ENVIRONMENTAL COMMISSION

STATE FISCAL YEAR 1997

JULY 1, 1996 TO JUNE 30, 1997

QUARTERLY REPORTS

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

**QUARTERLY REPORT
NEVADA ENVIRONMENTAL COMMISSION
PERIOD OF JULY THROUGH SEPTEMBER 1996
1ST QUARTER STATE FY 1997**

The Nevada State Environmental Commission held one regulatory hearings during the quarter. This hearing resulted in the adoption of key regulations pertaining to water quality laboratory certification, waste tire hauler recycling, used antifreeze recycling, landfill ground water exemptions, and corrective action UST cost/benefit criteria and cleanup standards. Three appeal requests were received and resolved during this quarter. Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) of state fiscal year 1997.

ID #	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 97 ***
SEC-005	Number of public hearings	1				1	6
SEC-007	Number of appeal hearings	0				0	6
SEC-006	Number of regulations adopted	6				6	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/6				0/6	4/10
SEC-011	Appeals scheduled vs appeals heard	1/0				1/0	10/6
SEC-012	Staff Information Responses within 3 days	54/55					140/140
	Number of ratifications	3				3	-

*** - Performance Measures for State Fiscal Year 1997

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ENVIRONMENTAL COMMISSION REGULATORY HEARINGS

The Environmental Commission held one regulatory hearing on September 10, 1996 in Reno, Nevada at the Division of Wildlife conference room during the quarter. Below is a summary of adopted petitions. All the petition were amended at the hearing of September 10, 1996.

Petitions Adopted on September 10, 1996

Pet # Description of Petitions

96011 Recycling thresholds & waste tire hauler manifests changes
96012 Solid Waste exemption of Class II sites for gw monitoring
96014 Water Quality Laboratory Certification Updates
96016 Hazardous Waste Used Antifreeze management and recycling
96017 Corrective Action UST Cost vs Benefit Criteria
96018 Corrective Action Cleanup Standards and Action Levels

Petitions Pending

Pet # Description of Petitions

96013 Water Quality Standards for Lake Tahoe Basin #2
96015 Water Quality Original Lake Tahoe Basin Regulation Repeal

Petition 96011 (R-071-96) permanently amends NAC 444A.005 to 444A.470. The petition expanded the definition of recyclable materials, implement Assembly Bill 449 of the 1995 session and require more accurate waste tire hauler manifest reporting. It is proposed that the period for recycling operation reporting changed from the fiscal year to the calendar year. In addition, local emergency planning committees will not be required to review waste tire facility permits.

Petition 96012 (R-072-96) permanently amends NAC 444.470 to 444.7499 by making an exemption for Class II landfills from ground waste monitoring standards as provided by the U.S. Congress. The amendments allow for interim site approval to be revoked if the owner/operator fails to provide adequate permit application documents within one year of notification of application deficiencies. NAC 444.711 requires a system for monitoring moisture in unsaturated zones under certain conditions. NAC 444.632 the term "wet garbage" was deleted.

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Petition 96014 (R-112-96) permanently amends NAC 445A.055 to 445A.066. The amendments allow for interstate reciprocity on laboratory certification in addition to third party site evaluations of water quality laboratories. In addition, the payment of fees will be required prior to certification. A protocol for certification of radiochemical and microbiological contaminants and toxicity bioassay is established. It allows for provisional certification and thresholds for revocation of certification. A framework for records and data reporting was established. Evaluation of laboratory sites at least once every two years is required. Fees for various categories of contaminants are increased in addition to provisions to pay for laboratory site evaluations.

Petition 96016 (R-116-96) permanently amends NAC 444 by adding regulations that establish standards for management of used antifreeze that is considered a hazardous waste and is recycled. The new regulations provide for definitions, establishes applicability, standards for generators, used antifreeze collections centers, transporters and transfer facilities, recycling facilities, and mobile recycling units.

Petition 96017 (R-118-96) permanently adds a new regulations in NAC 445A that describe the cost recovery conditions in which the Division of Environmental Protection may seek costs for its oversight of corrective action activities. The proposed regulations will distinguish between major and minor remediation activities, establish criteria to initiate cost recovery and create methodologies to determine costs that will be reimbursed.

Petition 96018 (R-119-96) permanently amends NAC 445A with a new section that detail the processes used to evaluate and remediate contaminated soil, ground water and surface water which will pose a risk to human health or environmental quality. The regulations outline the activities necessary for release reporting, initial response, delineation of contamination, setting of standards, remedial activities and final closure of projects having environmental contamination. In addition, the regulations will allow for the use of site specific risk based evaluations in remedial decisions. Responsibilities between the Division of Environmental Protection and the owner or operator regarding remedial activities are delineated.

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APPEAL HEARINGS

The Environmental Commission did not hold any appeal hearings during the quarter. Three appeal requests were received and resolved within the quarter. Only one hearing was scheduled and noticed. This was for Kajima Engineering & Construction.

Appellant	Violation	Status
Kajima Engineering & Construction	Water Quality	Settled 8-21-96
American General Development	Air Quality	Withdrawn 8-29-96
City of Reno	Water Quality	Withdrawn 10-3-96

SETTLEMENT RATIFICATIONS

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
NOAV # 1201	U.S. Department of Energy	\$ 1,000	Nye
NOAV # 1202	Hycroft Resources & Development	\$ 600	Humboldt
NOAV # 1203	Las Vegas Paving	\$ 600	Nye
QUARTERLY TOTALS		\$ 2,200	
FISCAL YEAR 1997 TOTALS		\$ 2,200	

OVERTIME ACCRUED

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

AS PREPARED BY

David R. Cowperthwaite, Executive Secretary
October 4, 1996

**QUARTERLY REPORT
NEVADA ENVIRONMENTAL COMMISSION
PERIOD OF OCTOBER THROUGH DECEMBER 1996
2ND QUARTER STATE FY 1997**

The Nevada State Environmental Commission held one regulatory hearings during the quarter. This hearing resulted in the adoption one regulatory petition regarding water quality standards for streams flowing into Lake Tahoe. No appeal requests were received or heard during this quarter. Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) of state fiscal year 1997.

ID #	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 97 ***
SEC-005	Number of public hearings	1	1			2	6
SEC-007	Number of appeal hearings	0	0			0	6
SEC-006	Number of regulations adopted	6	1			7	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/6	0/1			0/7	4/10
SEC-011	Appeals scheduled vs appeals heard	1/0	0/0			1/0	10/6
SEC-012	Staff Information Responses within 3 days	54/55	32/32			86/87	140/140
	Number of ratifications	3	2			5	-

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ENVIRONMENTAL COMMISSION REGULATORY HEARINGS

The Environmental Commission held one regulatory hearing on October 22, 1996 at Lake Tahoe, Nevada at the Douglas County Library at Zephyr Cove. Below is a summary of the adopted petitions. At this hearing, after the conclusion of the rulemaking a informal workshop on water quality standards and how they formulated was held.

Petition Adopted on October 22, 1996

Pet # Description of Petitions

96013 Water Quality Standards for Lake Tahoe Basin #2

Petitions Pending

Pet # Description of Petitions

96015 Water Quality Original Lake Tahoe Basin Regulation Repeal
96019 Air Quality Alternative Fuel Program Credit Elimination
96020 Corrective Action Cleanup Standards Reference Document

Discussion of Adopted Petition

Petition 96013 (R-086-96) permanently amended NAC 445A.1917 by establishing specific water quality standards for various tributaries in the Lake Tahoe Basin. It is proposed to add standards to Maintain Higher Quality Water for total phosphorus, total nitrogen, total suspended solids and pH for Edgewood Creek, Eagle Rock Creek, Glenbrook Creek, and Logan House Creek.

APPEAL HEARINGS

The Environmental Commission did not hold any appeal hearings during the quarter. No appeal requests were received nor heard within the quarter.

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STAFF WORK

Staff of the Environmental Commission worked on two reports during the quarter. A summary report on Commission fees has been drafted. This report is a summary of all fees adopted by the Commission. The report will be finalized at the early part of January, 1997. A second report that reviews the petitions adopted by the Commission from September 1993 through October, 1996 has been drafted. This report will be finalized early January, 1997.

SETTLEMENT RATIFICATIONS

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
NOAV # 1205	Silver State Materials Corp.	\$ 750	Lincoln
NOAV # 1206	Silver State Materials Corp.	\$ 500	Lincoln
NOAV # 1204	Mount Hamilton Mining Company	\$ 4,800	White Pine
QUARTERLY TOTALS		\$ 6,050	
FISCAL YEAR 1997 TOTALS		\$ 8,250	

OVERTIME ACCRUED

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

AS PREPARED BY

David R. Cowperthwaite, Executive Secretary
January 9, 1997

**QUARTERLY REPORT
NEVADA ENVIRONMENTAL COMMISSION
PERIOD OF JANUARY THROUGH MARCH 1997
3RD QUARTER STATE FY 1997**

The Nevada State Environmental Commission held one regulatory hearing during the quarter. This hearing resulted in the adoption of three temporary regulatory petitions. The petitions involved alternative fuels, solid waste landfills and water pollution control. Four appeal requests were received and none heard during this quarter. Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) of state fiscal year 1997.

ID #	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 97 ***
SEC-005	Number of public hearings	1	1	1		3	6
SEC-007	Number of appeal hearings	0	0	0		0	6
SEC-006	Number of regulations adopted	6	1	3		10	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/6	0/1	3/0		3/7	4/10
SEC-011	Appeals scheduled vs appeals heard	1/0	0/0	4/0		5/0	10/6
SEC-012	Staff Information Responses within 3 days	54/55	32/32	45/45		131/132	140/140
	Number of ratifications	3	2	3		8	-

*** - Performance Measures for State Fiscal Year 1997

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ENVIRONMENTAL COMMISSION REGULATORY HEARINGS

The Environmental Commission held one regulatory hearing on March 6, 1997 in Las Vegas, Nevada at the Clark County Commission Chambers. Below is a summary of the adopted petitions. At this hearing, after the conclusion of the rulemaking an informal presentation on water quality of the Las Vegas Bay and issues relating to carp endocrine disruption and cryptosporidiosis impacts on the water supplied to Las Vegas were discussed.

Petition Adopted on March 6, 1997

Pet # Description of Petitions

96019 Air Quality Alternative Fuel Program Credit Elimination
96020 Corrective Action Cleanup Standards Reference Document
97001 Solid Waste Management Class II Site Covering & Monitoring

Petitions Pending

Pet # Description of Petitions

96015 Water Quality Original Lake Tahoe Basin Regulation Repeal

Discussion of Adopted Petition

Petition 96019 is a temporary regulation amending NAC 486A.010 through 486A.250. The adopted regulation clarifies definitions, and the credit program in NAC 486A.170 is repealed. A new section is added that exempts from program requirements counties with less than 100,000 persons. NAC 486A.180 expands reporting requirements.

Petition 96020 is a temporary regulation that amends NAC 445A.22705 by amending the reference to Method E1739-95 as adopted by the American Society of Testing and Materials to be obtained from the Society directly rather than the Division of Environmental Protection. This proposed changes includes the address and cost of acquiring the document "Method E1739-95".

Petition 97001 is a temporary regulation amending NAC 444.685 to allow solid waste management authorities to waive the requirements of NAC 444.6851 to 444.6859, the provisions of financial assurance, to April 9, 1998.

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APPEAL HEARINGS

The Environmental Commission did not hold any appeal hearings during the quarter. Four appeal requests (Chemical Lime, American Colloid, Rayrock Mines and REA Gold) were received during the quarter. All of the appeals, except for REA Gold, have been withdrawn.

STAFF WORK

Staff of the Environmental Commission worked on one report regarding policy managing the Commission's appeal process. The report is proposed to be finalized in April, 1997 and placed before the Commission in a meeting to be held within the 4th quarter of fiscal year 1997.

SETTLEMENT RATIFICATIONS

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
NOAV # 1214 & 1215	Rees's Enterprise	\$ 6,500	Humboldt
NOAV # 1209 1210 1213	Frehner Construction Company	\$ 30,000	Humboldt/Eureka
NOAV # 1220	Capital Aggregate Products	\$ 500	Lyon
QUARTERLY TOTALS		\$ 37,000	
FISCAL YEAR 1997 TOTALS		\$ 45,250	

OVERTIME ACCRUED

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

AS PREPARED BY

David R. Cowperthwaite, Executive Secretary
April 9, 1997

**QUARTERLY REPORT
NEVADA ENVIRONMENTAL COMMISSION
PERIOD OF APRIL THROUGH JUNE 1997
4TH QUARTER STATE FY 1997**

The Nevada State Environmental Commission held one regulatory hearing during the quarter and one appeal hearing. The regulatory hearing resulted in the adoption of two temporary regulatory petitions. The petitions involved mining regulation fees and minor amendment to the water quality laboratory certification program. One appeal was heard during the quarter. It was a air quality violations for Mesquite Sand & Gravel. Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) of state fiscal year 1997.

ID #	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 97 ***
SEC-005	Number of public hearings	1	1	1	1	4	6
SEC-007	Number of appeal hearings	0	0	0	1	1	6
SEC-006	Number of regulations adopted	6	1	3	2	12	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/6	0/1	3/0	2/0	5/7	4/10
SEC-011	Appeals scheduled vs appeals heard	1/0	0/0	4/0	2/2	6/2	10/6
SEC-012	Staff Information Responses within 3 days	54/55	32/32	45/45	25/25	156/157	140/140
	Number of ratification	3	2	3	2	10	-

*** - Performance Measures for State Fiscal Year 1997

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ENVIRONMENTAL COMMISSION REGULATORY HEARINGS

The Environmental Commission held one regulatory hearing on May 29, 1997 in Reno, Nevada at the Division of Wildlife conference room. Below is a summary of the adopted petitions.

Petition Adopted on May 29, 1997

Pet # Description of Petitions

97001 Mining Water Pollution Control Fee Increases
97003 Water Quality Laboratory Certification Warning Limits

Petitions Pending

Pet # Description of Petitions

96015 Water Quality Original Lake Tahoe Basin Regulation Repeal

Discussion of Adopted Petition

Petition 97003 temporarily amends NAC 445A.055 to 445A.066, the Certification of Laboratories to Analyze Substances in Water, by amending the existing regulation to be more consistent with the Safe Drinking Water Acts laboratory certification program by replacing "warning limits" with "acceptance limits". Affected citations includes NAC 445A.057, 445A.060, 445A.061 and 445A.062.

Petition 97002 temporarily amends NAC 445A.070 to 445A.348, Water Pollution Control, by amending the mining water pollution control fees in NAC 445A.232. The regulation adds a new category of less than 18,250 tons and two new categories greater than 500,000 tons. Annual fees are proposed to be increased in three increments over six years. The increments cover the period of State Fiscal Years (July 1st to June 30th) 1998 to 1999, 2000 to 2001 and 2002 to 2003. Original and Renewal fees are also increased but remain constant during the aforementioned fiscal years.

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APPEAL HEARINGS

The Environmental Commission held one appeal hearings during the quarter in the matter of Mesquite Sand & Gravel and the Bureau of Air Quality. Below is a summary of the issues and outcome for the hearing. Alestel Corporation, dba Mesquite Sand & Gravel, Dennis A. Solis, President, P.O. Box 3000-202, Pahrump, Nevada, 89041 appeals the Air Quality Notice of Alleged Violations No. 1228 and 1229 dated March 25, 1997 by the Nevada Division of Environmental Protection.

The Division of Environmental Protection, Bureau of Air Quality issued a Notice of Alleged Violation No. 1228 for a minor violation on March 25, 1997 pursuant to Nevada Administrative Code (NAC) 445B.365 for fugitive dust and Notice No. 1229 for a major violation of NAC 445B.227, operation without required equipment. The Division alleges that Mesquite Sand & Gravel, on March 12, 1997, failed to prevent the discharge of fugitive dust from the screening plant. In addition the State alleges that the appellant failed to operate the screen plant with functioning water sprays which were required by Air Quality Operating Permit No. AP1442-0114, requirement A.1.

The Environmental Commission on June 3, 1997 in Las Vegas in a panel composed of Chairman William Molini, Commissioners Mark Doppe and Robert Jones, heard the above matter and decided to dismiss the minor violation for fugitive emissions and upheld the major violation regarding the permit conditions being violated and levied a fine amount of \$ 800.00 upon Mesquite Sand & Gravel.

APPEAL REQUESTS

Four appeal requests were received during this quarter. An appeal was received from the U.S. Fish and Wildlife Service regarding a permit issued by the Bureau of Mining Regulation and Reclamation. The appeal was received April 1, 1997 and withdrawn by May, 1997. A second appeal was received from Mesquite Sand and Gravel. As noted above the hearing was heard on June 3, 1997. The third appeal is from Eagle-Picher Minerals regarding an air quality permit. The request was received on May 6, 1997 and all parties have requested that the matter be continued. The fourth request was from Nevada Wood Preserving regarding a May 15, 1997 FOAV by the Bureau of Water Pollution Control.

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STAFF WORK

Staff of the Environmental Commission worked on one report regarding policy managing the Commissions appeal process. The report is proposed to be finalized in Fall, 1997 and placed before the Commission in a meeting to be held within the 1st quarter of fiscal year 1998. This report will provide the foundation for a workshop that will fulfill the requirements of NRS 233B, and provide the opportunity for the Commission to give guidance in the drafting of regulations regarding appeals

SETTLEMENT RATIFICATION

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
NOAV # 1221	Iron Mountain Acquisition, Inc.	\$ 500	Carson City
NOAV # 1224	Min-Ad Inc.	\$ 1,000	Humboldt
QUARTERLY TOTALS		\$ 1,500	
FISCAL YEAR 1997 TOTALS		\$ 46,750	

OVERTIME ACCRUED

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

AS PREPARED BY

David R. Cowperthwaite, Executive Secretary
July 1, 1997